

August 25, 2006

Les Boles, Director  
Office of State Budget  
1201 Main Street, Suite 870  
Columbia, SC 29201

Re: FY 2007-2008 Budget Plan

Dear Mr. Boles:

We are forwarding ten copies of our Budget Plan and have electronically transmitted two files to [krhinehart@budget.sc.gov](mailto:krhinehart@budget.sc.gov).

We are requesting the deletion of Proviso 35.6. We respectfully request that all other provisos pertaining to the Commission on Indigent Defense, the Office of Indigent Defense and/or the Office of Appellate Defense be reenacted in the Appropriations Act for FY 2007-2008.

We are not requesting any additional FTEs or capital funding, however, we are requesting additional operating funds.

If you or your staff has any questions, please contact my Assistant Director, Lisa Graves at 803-734-1168.

With best regards, I remain,

Very truly yours,

T. Patton Adams  
Executive Director



## FISCAL YEAR 2007-08 BUDGET PLAN

## I. EXECUTIVE SUMMARY

A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense

B. **Statewide Mission:** The Commission on Indigent Defense establishes and monitors programs and services for the delivery of legal representation of indigent defendants in State Court. The Commission establishes criteria to be used in the determination of indigency and qualifications for services of the offices of Public Defender and administers appropriate distribution of funding for indigent defense. Additionally, the office establishes and supervises training programs for the Public Defender offices across the State as well as implementing a central reporting system for the accurate compilation of statistical data regarding the operation of Public Defender Offices and serves as a clearing house and distribution source for publications and materials involving indigent criminal defense. The division of the Office of Appellate Defense provides representation to indigent clients on direct appeal and post conviction relief matters, including death penalty cases.

C. Summary Description of Strategic or Long-Term Goals:

(1) To provide representation to indigent persons appearing in the State Court system, including General Sessions, Circuit and Family Courts, as well as Magistrate and Municipal courts if the defendant faces charges that could result in incarceration, thereby expediting the judicial process by providing effective representation as economically as possible.

(2) To compile data concerning the operation of the indigent defense delivery systems in South Carolina.

D.

[illegible]



[illegible]

Summary of Operating Budget Priorities for FY 2006-07:		FUNDING					FTEs			
		State Non-Recurring	State Recurring	Federal	Other	Total	State	Fed.	Other	Total
			0	0	0	\$ 0	0	0	0	0.00
TOTAL OF ALL PRIORITIES		0	\$16,545,000	\$ 0	\$0	\$16,545,000	0.00	0.00	0.00	0.00

E. Agency Recurring Base Appropriation:

State \$ 6,577,161

Federal\$ 0

Other \$ 12,835,652

F. Efficiency Measures: To provide efficient and cost-effective representation for indigent defendants in state courts. Public Defenders and court appointed counsel, in both criminal and civil court provide a great service to their clients, their counties and to the state. This agency's request for funds serves the criminal justice system as a whole and ultimately seeks to keep the system working. The defense is a fundamental component of our court system and a necessity to ensure that the ends of justice are served. Public Defenders represent approximately 80-85% of all criminal defendants. From an efficiency standpoint, Public Defenders provide the most cost effective representation and expertise in the field. This agency respectfully requests funding to continue the operation of the indigent defense system. The Agency is merely trying to meet the demands made against on system. In order to fully fund private counsel in court appointed cases, at the current statutory rates of \$40 out-of-court and \$60 in-court, additional funding of \$9-10 million is necessary. There is also the looming crisis brought about the extension of Public Defender Representation to defendants in Magistrate's and Municipal Courts resulting from the 2002 US Supreme Court Decision in Alabama v. Shelton (535 U.S. 654 (2002)) and South Carolina Appellate Court Rule 602.

G.

Summary of Capital Budget Priorities: NONE			Additional State Funds	Previously Authorized State Funds	Total Other Fund Sources	Project Total
Priority No.:	Project Name: Activity Number & Name:	Project No*:	0	0	0	\$ 0
Priority No.:	Project Name: Activity Number & Name:	Project No*:	0	0	0	\$ 0
Priority No.:	Project Name:	Project No*:	0	0	0	\$ 0

	Activity Number & Name:					
Total of All Capital Budget Priorities:			\$ 0	\$ 0	\$ 0	\$ 0

\* If applicable

H. Number of Proviso Changes: One (1)

I. Signature/Agency Contacts/Telephone Numbers: \_\_\_\_\_

T. Patton Adams  
Executive Director  
803.734.1343  
[PAadams@sccid.sc.gov](mailto:PAadams@sccid.sc.gov)

Lisa Graves  
Assistant Director  
803.734.1168  
[LGraves@sccid.sc.gov](mailto:LGraves@sccid.sc.gov)

## II. DETAILED JUSTIFICATION FOR FY 2007-08 OPERATING BUDGET PRIORITIES

- A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense
- B. Priority No. 1 of 8
- C. (1) Title: **Defense of Indigents and Civil Appointment Fund**  
(2) Summary Description: State funding for Defender Corporations and private attorneys appointed under SC Appellate Court Rule 608  
(3) Strategic Goal/Action Plan (*if applicable*):
- D. Budget Program Number and Name: I. Defense of Indigents Per Capita and Civil Appointment Fund
- E. Agency Activity Number and Name: #164 Defense of Indigents Per Capita, #163 Civil Appointment Fund
- F. Detailed Justification for Funding

(1) Justification for Funding Increase: Public defender offices are equipped to most efficiently handle criminal cases and currently provide representation for upwards of 80% of all criminal defendants. In addition, public defender offices handle the vast majority of probation revocations. The caseload continues to increase for defender offices, in many counties the public defender caseload is triple that of the solicitor. Public defenders are crucial to keeping the counties' pre-trial jail populations under control. A decrease in defender funding and staff would result in more cases being handled by the private bar, a significant increase in expenses and decreased efficiency in the court system. The agency respectfully requests an increase in appropriations for the defense of indigents per capita due to an ever increasing workload.

Defender Corporations receive money from two State sources of revenue. First they receive money from funds appropriated by the Legislature. The second source, called Supplemental Funds, is a percentage of the surcharges levied on fines collected in the court system and on an application fee collected on those persons seeking representation by the Public Defender Offices. Funds from both of these sources are distributed to the Defender Corporations *per capita* based on the U.S. Census figures for each county.

The State of South Carolina currently ranks 49<sup>th</sup> in *per capita* spending for indigent defense services.

(b) The second justification for an increase in public defender funding is a significant increase in magistrate's court cases. In May of 2002, the U. S. Supreme Court decided a case entitled, *Alabama v. Shelton*, 122 U.S. 1764 (May 20, 2002). This case essentially holds that a defendant must be provided an attorney in any case in which that defendant faces the possibility of incarceration. The previous rule was that a defendant need not be furnished counsel unless that defendant faced in the probability of incarceration. Since Magistrates' Court sentences in South Carolina were normally in the alternative, i.e. thirty days or \$200, few defendants were advised of the right to counsel and fewer still were actually appointed counsel. By 2004 some defender offices like Charleston were being appointed to



hundreds and the York defender to over one thousand magistrate court cases. The implications of the *Shelton* case are overwhelming for the already overburdened public defender system.

Currently, whether or not an attorney is appointed varies from county to county. The Public Defender offices are presently working at maximum capacity and are unable to assume the responsibility for additional representation without additional staff. If the Public Defender offices cannot assume responsibility for most of this increased workload, private attorneys will have to be appointed and this will further strain and already overburdened Conflict Fund. While at this time it is impossible to say exactly what this new cost will be, This Agency requests that funding be allocated to determine the cost of hiring new attorneys and providing health insurance, malpractice insurance and retirement programs for the public defender corporations statewide. Separate legislation or provisos may be needed to allocate this money on a need basis rather than a *per capita* basis.

- (c) In accordance with needs identified by the SC Bar Association, appropriated funding for the Civil Appointment Fund is respectfully requested. This fund provides services for indigent clients in cases involving abuse and neglect, protective placement and termination of parental rights. It addresses a desperate and critical need to provide nominal reimbursement for attorneys appointed to represent indigent clients. The agency respectfully asks for appropriations for the civil fund so that attorneys receive at least some compensation for their time. Compensation for appointed attorneys is at a level well below market value. Hourly rates for private assigned counsel remain too low to even cover office overhead. Note that the Federal Government pays attorneys \$90.00 per hour for in and out of court time. Recognizing the dire need, the General Assembly passed proviso 73.4 of the 2006-2007 General Appropriations Act which will generate \$750,000 for Indigent Defense through filing fees for civil cases. The agency is grateful for the funds and requests that proviso 73.4 be maintained and the amount distributed to indigent defense not be reduced.

<b>FY 2007-08 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services		\$13,000,000			\$13,000,000

Pass-Through Funds					\$ 0
Other Operating Expenses					\$ 0
<b>Total</b>	\$ 0	\$13,000,000			\$13,000,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State \$ 4,688,651  
Federal \$  
Other \$ 3,523,052

(4) Is this priority associated with a Capital Budget Priority? No If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

G. Detailed Justification for FTEs: None Requested

(3) FTEs in Program Area per FY 2006-07 Appropriation Act:

State \_\_\_\_\_  
Federal \_\_\_\_\_  
Other \_\_\_\_\_

**Agency-wide Vacant FTEs as of July 31, 2005: 6.0**

**% Vacant 21.5 %**

H. Other Comments:



A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense

B. Priority No. 2 of 8

D. (1) Title: **Criminal Domestic Violence Fund**

(2) Summary Description:

(3) Strategic Goal/Action Plan (*if applicable*):

D. Budget Program Number and Name: I. Special Item

E. Agency Activity Number and Name: #1660 – Criminal Domestic Violence

F. Detailed Justification for Funding

(1) Justification for Funding: Legislation enacted in 2006 pertaining to Criminal Domestic Violence has created yet another venue that requires representation by providers of indigent defense. It is estimated that there are 35,000 domestic assaults annually in South Carolina. Funding was provided to Prosecution Coordination last year in the amount of \$2.2 million, while Indigent Defense received \$460,000. Public Defenders provide representation in 85% of all criminal domestic violence prosecutions. The agency respectfully requests funding at 85% of the level of funding provided to Prosecution Coordination.

<b>FY 2007-08 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services		\$1,870,000			\$1,870,000
Pass-Through Funds					\$ 0
Other Operating Expenses					\$ 0

<b>Total</b>	\$ 0	\$1,870,000			\$1,870,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State \$  
Federal \$  
Other \$ 460,000

(4) Is this priority associated with a Capital Budget Priority? No If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

G. Detailed Justification for FTEs: NONE REQUESTED

(1) Justification for New FTEs

(a) Justification:

(b) Future Impact on Operating Expenses or Facility Requirements:

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

(3) FTEs in Program Area per FY 2006-07 Appropriation Act:

State \_\_\_\_\_

Federal \_\_\_\_\_

Other \_\_\_\_\_

**Agency-wide Vacant FTEs as of July 31, 2006: 6.0**

**% Vacant 21.5 %**

**H. Other Comments:**

A. Agency Section/Code/Name:

B. Priority No. 3 of 8

E. (1) Title: **Technology Initiative**

(2) Summary Description: Maintain and upgrade systems to standards as prescribed by the Office of the State Chief Information Officer and to provide accurate data collection and analysis, case management, and a centralized system to integrate with SCEIS and current statewide technology initiatives in the Judicial Department.

(3) Strategic Goal/Action Plan (*if applicable*):

D. Budget Program Number and Name: I. Administration

E. Agency Activity Number and Name: #1661- Information Technology

F. Detailed Justification for Funding: To continue technology initiatives to provide compatibility with state government, particularly as necessary with the State Judicial Department. Requested funding will allow the agency to communicate, research and process effectively within guidelines set forth by the State CIO.

(1) Justification for Funding Increase: New Program

(2)

<b>FY 2007-08 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services		\$250,000			\$250,000
Pass-Through Funds					\$ 0
Other Operating Expenses					

<b>Total</b>	\$250,000	\$ 0	\$ 0	\$ 0	\$250,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State \$  
Federal \$  
Other \$ 500,000 (Non-Recurring)

(4) Is this priority associated with a Capital Budget Priority?     No     If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

G. Detailed Justification for FTEs: NONE REQUESTED

(2) Justification for New FTEs

(a) Justification:

(b) Future Impact on Operating Expenses or Facility Requirements:

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0



(3) FTEs in Program Area per FY 2006-07 Appropriation Act:

State \_\_\_\_\_

Federal \_\_\_\_\_

Other \_\_\_\_\_

**Agency-wide Vacant FTEs as of July 31, 2006: \_\_\_\_\_ 6**

**% Vacant \_\_\_\_21.5\_\_\_\_%**

**H. Other Comments:**

A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense

B. Priority No. 4 of 8

C. (1) Title: **Operations and Personnel Maintenance**

(2) Summary Description: This request concerns the maintenance and operations of the entire agency. It involves maintaining the operating funding at a level where the agency is not dependent on other program funds for its operations.

(3) Strategic Goal/Action Plan (*if applicable*): This request affects the basic operating expenditures of the agency

D. Budget Program Name and Number: I, II. Administration

E. Agency Activity Number and Name: #159-Administration

F. Detailed Justification for Funding:

(1) Justification for Funding Increase: Increased costs in operations of the agency including rent, telephone, postage, printing, office supplies, software updates and other general overhead. The Division of Appellate Defense handles a caseload average of more than 1,000 cases annually and funding is required for expenses associated with these activities as well as to ensure continued operations of the entire agency. Funding of \$200,000 is currently provided through proviso and the agency requests these funds be appropriated from the General Fund.

(2)

<b>FY 2007-08 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					
(b) Salary					
(c) Fringe Benefits					
Program/Case Services		\$200,000			\$200,000
Pass-Through Funds					

Other Operating Expenses					
<b>Total</b>		\$200,000			\$200,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State       \$ 651,399  
Federal     \$  
Other       \$ 402,600

(4) Is this priority associated with a Capital Budget Priority? No If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

G. Detailed Justification for FTEs: NONE REQUESTED

(3) Justification for New FTEs

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					
(b) Salary					
(c) Fringe Benefits					

	State	Federal	Earmarked	Restricted	Total
Position Title: Administrative Assistant					
(a) Number of FTEs					
(b) Salary					

(1) Justification for New FTEs

a. Justification:

b. Future Impact on Operating Expenses or Facility Requirements:

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

(3) FTEs in Program Area per FY 2006-07 Appropriations Act:

State \_\_\_\_\_  
 Federal \_\_\_\_\_  
 Other \_\_\_\_\_

Agency-wide Vacant FTEs as of July 31, 2006: 6

% Vacant 21.5 %

G. Other Comments:

A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense

B. Priority No. 5 of 8

C. (1) Title: **Death Penalty Trial Unit**

(2) Summary Description: Pilot project to establish a Death Penalty Trial Unit to assist rural counties in death penalty trials.

(3) Strategic Goal/Action Plan (*if applicable*):

D. Budget Program Name and Number: New Request

E. Agency Activity Number and Name: New Request

F. Detailed Justification for Funding

(1) Justification for Funding Increase: In most rural counties the caseload of the public defender is prohibitive to appointment in a capital case. Subsequently, the court must appoint two attorneys from the private sector to represent an indigent defendant. Working in this area of law places great demands on attorneys. It requires expertise in all of the laws controlling state death penalty appeals, as well as an expertise in federal civil procedure and the unique complexities of habeas corpus law. The average fee for appointed counsel in a death penalty case is \$100.00 per hour. It has long been the goal of this agency to establish a state funded unit that would more cost effectively and efficiently represent death penalty defendants. Funding for this pilot project would provide that opportunity.

<b>FY 2007-08Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services					\$ 0
Pass-Through Funds					\$ 0
Other Operating Expenses		\$500,000			\$500,000

<b>Total</b>	\$ 0	\$500,000	\$ 0	\$ 0	\$500,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State       \$ 0  
Federal     \$ 0  
Other       \$ 0

(4) Is this priority associated with a Capital Budget Priority? NO If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

F. Detailed Justification for FTEs NONE REQUESTED

(1) Justification for New FTEs

a. Justification:

b. Future Impact on Operating Expenses or Facility Requirements:

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

(3) FTEs in Program Area per FY 2006-07 Appropriation Act:

State \_\_\_\_\_  
Federal \_\_\_\_\_  
Other \_\_\_\_\_

**Agency-wide Vacant FTEs as of July 31, 2006: 6**

**% Vacant 21.5 %**

G. Other Comments:

A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense

B. Priority No. \_6\_ of \_\_8\_\_

C. (1) Title: **Appellate Transcript Fund**

(2) Summary Description: This is a new program. Its purpose is to pay for appellate transcripts for indigent persons seeking appeals from the lower courts.

(3) Strategic Goal/Action Plan (*if applicable*):

D. Budget Program Name and Number: NEW PROGRAM

E. Agency Activity Number and Name: NEW PROGRAM

F. (1) Justification for Funding Increase:

Transcripts of a criminal trial are a necessary item for an appeal. Because there was no separate source of revenue identified for this use, the Agency has paid these expenses from the Death Penalty Trial Fund under the authority of Proviso 14.1 (now 35.1) which allows the Agency to pay for "other operating expenses" from this Fund. As with all criminal expenses, the number of transcripts and their costs has steadily risen over the years with recent years exceeding \$400,000.00. The agency respectfully requests appropriations for this new fund so that payment does not have to be made from the death penalty fund.

<b>FY 2007-08 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services		\$425,000			\$425,000
Pass-Through Funds					\$ 0
Other Operating Expenses		\$425,000			\$425,000



<b>Total</b>	\$ 0	\$425,000	\$ 0	\$ 0	\$425,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State           \$ NEW FUNDING REQUEST  
Federal        \$  
Other          \$

(5) Is this priority associated with a Capital Budget Priority? NO If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

F. Detailed Justification for FTEs NONE REQUESTED

(1) Justification for New FTEs

- a. Justification:
- b. Future Impact on Operating Expenses or Facility Requirements:

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

(3) FTEs in Program Area per FY 2006-07 Appropriation Act:

State \_\_\_\_\_

Federal \_\_\_\_\_

Other \_\_\_\_\_

**Agency-wide Vacant FTEs as of July 31, 2006: 6**

**% Vacant 21.5 %**

G. Other Comments:

A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense

B. Priority No. \_7\_ of \_\_8\_\_

C. (1) Title: **Appellate Conflict Fund**

(2) Summary Description: This Fund pays attorneys who are appointed to represent indigent defendants on appeal when the Office of Appellate Defense is unable to do so because of a conflict of interest.

(3) Strategic Goal/Action Plan (*if applicable*):

D. Budget Program Name and Number: I. Administration (Special Items: Post Conviction Relief Operating Exp)

E. Agency Activity Number and Name: NEW PROGRAM

F. Detailed Justification for Funding

(1) Justification for Funding Increase:

This Fund was originally appropriated to provide money for capital PCR appeals, and its use was limited to paying for attorney's fees in those types of cases. Its function has been expanded to include non-capital cases in which Appellate Defense has a conflict and the case must then be assigned to a private attorney. This program has not been funding since FY 2002-2003. Restoration of funding is requested.

<b>FY 2006-07 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0
Program/Case Services		\$250,000			\$250,000
Pass-Through Funds					\$ 0
Other Operating Expenses		\$250,000			\$250,000

<b>Total</b>	\$ 0	\$250,000	\$ 0	\$ 0	\$250,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State       \$ 0  
Federal     \$ 0  
Other       \$ 0

(4) Is this priority associated with a Capital Budget Priority? NO If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

F. Detailed Justification for FTEs NONE REQUESTED

(1) Justification for New FTEs

- a. Justification:
- b. Future Impact on Operating Expenses or Facility Requirements:

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

(3) FTEs in Program Area per FY 2006-07 Appropriation Act:

State \_\_\_\_\_

Federal \_\_\_\_\_

Other \_\_\_\_\_

**Agency-wide Vacant FTEs as of July 31, 2006: 6**

**% Vacant 21.5 %**

G. Other Comments:

A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense

B. Priority No. \_8\_ of \_8\_

C. (1) Title: **Death Penalty Trial Fund**

(2) Summary Description: This Fund pays attorneys appointed in capital cases and also pays for expert witnesses, investigators, and other defense related expenses in these cases. It also pays for the same services in capital Post Conviction Relief cases. In addition, it also pays for appellate transcripts for indigent defendants at all levels of the courts.

(3) Strategic Goal/Action Plan (*if applicable*):

D. Budget Program Name and Number: I. Administration (Special Items: Death Penalty Trial Fund)

E. Agency Activity Number and Name: New Request

E. Detailed Justification for Funding

(1) Justification for Funding Increase:

The agency continues to see an increase in expenditures for Death Penalty cases. Additional funds are needed to ensure that the defense in capital cases is fully funded so as to meet Constitutional and statutory requirements. Section 16-3-26 of the SC Code of Laws requires the appointment of two attorneys to defend a person charged with a capital offense and specifically directs this office to make payment for fees and expenses related to that defense. The agency has no control over the number of capital cases called by the Solicitor and attorneys appointed in those cases must be prepared to present a defense. Since the inception of this agency there have been as many as 38 death penalty cases closed out in a single year. It is the obligation of the state and of this agency to reimburse attorneys and experts in a timely manner pursuant to statute and court order. This request would restore the General Fund money in the Death Penalty Fund, as it is currently is not funded by any General Fund monies.

(2)

<b>FY 2007-08 Cost Estimates:</b>	<b>State Non-Recurring Funds</b>	<b>State Recurring Funds</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>					
(a) Number of FTEs*					0.00
(b) Salary					\$ 0

(c) Fringe Benefits					\$ 0
Program/Case Services		\$50,000		\$3,000,000	\$3,050,000
Pass-Through Funds					\$ 0
Other Operating Expenses	0		0		
<b>Total</b>	\$ 0	\$50,000	\$ 0	\$3,000,000	\$3,050,000
<i>* If new FTEs are needed, please complete Section F (Detailed Justification for FTEs) below.</i>					

(3) Base Appropriation:

State \$ -0-

Federal \$ -0-

Other \$ 3,000,000 (Estimated Revenue from Fine and Fee Collections)

(4) Is this priority associated with a Capital Budget Priority? NO If so, state Capital Budget Priority Number and Project Name: \_\_\_\_\_.

F. Detailed Justification for FTEs NONE REQUESTED

(1) Justification for New FTEs

(a) Justification:

(b) Future Impact on Operating Expenses or Facility Requirements:

(2) Position Details:

	State	Federal	Earmarked	Restricted	Total
Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

	State	Federal	Earmarked	Restricted	Total
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Position Title:					
(a) Number of FTEs					0.00
(b) Salary					\$ 0
(c) Fringe Benefits					\$ 0

(3) FTEs in Program Area per FY 2006-07 Appropriation Act:

State \_\_\_\_\_

Federal \_\_\_\_\_

Other \_\_\_\_\_

**Agency-wide Vacant FTEs as of July 31, 2006: 6**

**% Vacant 21.5 %**

G. Other Comments:



## FY 2007-08 COST SAVINGS & ACTIVITY PRIORITY ADDENDUM

### I. 2% COST SAVINGS ASSESSMENT

- A. Agency Section/Code/Name: Section 35/E23/Commission on Indigent Defense
- B. Agency Activity Number and Name: #163 Civil Appointment Fund-Guardian ad Litem Program
- C. Explanation of Cost Savings Initiative: Agency is currently funding payments to program that is administered by the Office of the Governor. With all functions administered by the governing agency, the duplication of activities would cease. This is currently an unfunded mandate for this agency.
- D. Estimate of Savings: \$360,000

<b>FY 2007-08 Cost Savings Estimates:</b>	<b>General</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>Personnel:</b>				
(a) Number of FTEs				0.00
(b) Personal Service				\$ 0
(c) Employer Contributions				\$ 0
Program/Case Services			\$360,000	\$360,000
Pass-Through Funds				\$ 0
Other Operating Expenses				\$ 0
<b>Total</b>	\$ 0	\$ 0	\$360,000	\$360,000

- E. Activity Impact (*Describe the impact on the activity affected including the impact on customers and clients.*): All functions of the program would be administered by the proper agency. Indigent Defense would be relieved of the workload and cost of this program, that is unfunded and a drain on other agency programs.

F.

Summary of Cost Savings Initiatives for FY 2007-08:	FUNDING				FTEs			
	General	Federal	Other	Total	State	Fed.	Other	Total
Initiative Title:Guardian ad Litem Program	0	0	\$360,000	\$360,000	0	0	0	0.00
Activity Number & Name:#163- Civil Appointment Fund								
Initiative Title:	0	0	0	\$ 0	0	0	0	0.00
Activity Number & Name:								
Initiative Title:	0	0	0	\$ 0	0	0	0	0.00
Activity Number & Name:								
TOTAL OF ALL INITIATIVES	\$ 0	\$ 0	\$360,000	\$360,000	0.0 0	0.00	0.00	0.00

## FY 2007-08 COST SAVINGS & ACTIVITY PRIORITY ADDENDUM

### II. PRIORITY ASSESSMENT OF AGENCY ACTIVITIES

- A. Agency Section/Code/Name:
- B. Agency Activity Number and Name:
- C. Explanation of Lowest Priority Status:
- D. Estimate of Savings:

Estimate of Savings:	General	Federal	Supplemental	Capital Reserve	Other	Total
<b>Personnel:</b>						
(a) Number of FTEs	0	0	0	0	0	0.00
(b) Personal Service	0		0	0	0	\$ 0
(c) Employer Contributions	0		0	0	0	\$ 0
Program/Case Services	0	0	0	0	0	\$ 0
Pass-Through Funds	0	0	0	0	0	\$ 0
Other Operating Expenses	0	0	0	0	0	\$ 0
<b>Total</b>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0

- E. Activity Impact (*Describe the impact on the activity affected including the impact on customers and clients.*):

F.

<b>Summary of Priority Assessment of Activities</b>	<b>General</b>	<b>Federal</b>	<b>Supplemental</b>	<b>Capital Reserve</b>	<b>Other</b>	<b>Total</b>	<b>FTEs</b>
Activity Number & Name:	0	0	0	0	0	\$ 0	0
Activity Number & Name:	0	0	0	0	0	\$ 0	0
Activity Number & Name:	0	0	0	0	0	\$ 0	0
Activity Number & Name:	0	0	0	0	0	\$ 0	0
Activity Number & Name:	0	0	0	0	0	\$ 0	0
TOTAL OF LOWEST PRIORITIES	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0.00